UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/575,317	03/15/2007	Hubertus Maria Rene Cortenraad	2004P02051WOUS	6361

24737   7590   12/08/2016
PHILIPS INTELLECTUAL PROPERTY & STANDARDS
465 Columbus Avenue
Suite 340
Valhalla, NY 10595

EXAMINER
LEE, WEI

ART UNIT	PAPER NUMBER
3714	

NOTIFICATION DATE	DELIVERY MODE
12/08/2016	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

marianne.fox@philips.com
debbie.henn@philips.com
patti.demichele@Philips.com

UNITED STATES PATENT AND TRADEMARK OFFICE

_____

BEFORE THE PATENT TRIAL AND APPEAL BOARD

_____

Ex parte HUBERTUS MARIA RENE CORTENRAAD and
ROGIER WINTERS

_____

Appeal 2015-000279
Application 11/575,317[1]
Technology Center 3700

_____

Before ANTON W. FETTING, BRUCE T. WIEDER, and
ROBERT J. SILVERMAN, *Administrative Patent Judges.*

WIEDER, *Administrative Patent Judge.*

DECISION ON APPEAL

This is a decision on appeal under 35 U.S.C. § 134 from the

Examiner's rejection of claims 1–11. We have jurisdiction under

35 U.S.C. § 6(b).

We REVERSE.

CLAIMED SUBJECT MATTER

Appellants' claimed "invention relates to a game board comprising a

board surface, the game board comprising means for detecting a pawn which

is positioned on the game board." (Spec. 1.)

_____

[1] According to Appellants the real party in interest is Koninklijke Philips
N.V. (Appeal Br. 2.)

Claim 1 is the sole independent claim on appeal. It recites (emphasis added):

> 1. A game board comprising a board surface and a scanning display, the scanning display comprising:
> display means for displaying a game board layout on the board surface, and
> detection means for scanning a code surface of a pawn for detecting a pawn code when the code surface of the pawn is directed towards the board surface and for detecting where on the game board layout the pawn is positioned,
> wherein the detection means, while detecting the pawn code, distinguishes a first scenario in which the pawn is held above the board surface from a second scenario in which *the pawn is in contact with the board surface*, and
> wherein the detection means detects an orientation of the pawn relative to the game board when the code surface is sufficiently close to and directed towards the board surface and provides a warning signal when the orientation of the pawn is inappropriate.

REJECTION

Claims 1 and 3–8 are rejected under 35 U.S.C. § 103(a) in view of Peterson (US 6,761,634 B1, iss. July 13, 2004), Shiratsuki (US 5,313,055, iss. May 17, 1994), and Winter (US 2005/0258252 A1, pub. Nov. 24, 2005).

Claims 2 and 9–11 are rejected under 35 U.S.C. § 103(a) in view of Peterson, Shiratsuki, Winter, and Schwab (US 5,013,047, iss. May 7, 1991).

ANALYSIS

Appellants argue that "it is undisputed that Peterson and Shiratsuki do not teach, disclose or suggest distinguishing 'the pawn is held above the board surface from . . . the pawn is in contact with the board surface.'"

(Appeal Br. 8; *see also* Final Action 3–4.) Appellants further argue that the Examiner erred in finding that Winter discloses "distinguishing 'a first scenario in which the pawn is held above the board surface from a second scenario in which the pawn is in contact with the board surface.'" (Appeal Br. 8–9.)

> The Examiner finds that Winter teaches:

> wherein the detection means, while detecting barcode/pawn code, distinguishes a first scenario (i.e. a scenario wherein the barcode is too far out of range (range related to a surface)) in which an object (i.e. the pawn/the pawn code/barcode of the pawn) is held above a surface (i.e. the board surface) from a second scenario (i.e. a scenario wherein the barcode/pawn code is too close in range (range related to a surface)) with a surface) in which an object (i.e. the pawn/the pawn code/barcode of the pawn) is in contact with a surface (i.e. the board surface) (¶¶ 43 and 20 and Fig 9B).

(Final Action 4.)

> Winter discloses scanning a barcode with a laser beam and that the

> amplitude of the detected reflected laser beam is indicative of the position of the data collection device 10 relative to the barcode 12. For example, if the data collection device 10 is aimed centrally to the barcode 12 but is too close in range, then the intensity of light reflected from the barcode 12 will be relatively low with respect to the left- and right-hand portions of the barcode 12 as compared to light reflected from its central portion, as the laser 44 scans the barcode 12 from left to right. If the data collection device is aimed centrally to the barcode 12 but is too far out of range, then the intensity of the reflected light will generally be low (e.g., below some acceptable threshold level or level detectable by the photo detector 42) across the entire barcode 12. If the data collection device is optimally positioned (both orientation and distance), then the intensity of the reflected light will generally be more consistent across the barcode 12.

(Winter ¶ 43.) In other words, Winter discloses detecting if the position of the data collection device relative to the barcode is: 1) too close, 2) too far, or 3) optimally positioned. (*See id.*)

Claim 1 recites distinguishing "a first scenario in which the pawn is held above the board surface from a second scenario in which the pawn is in contact with the board surface." We agree with the Examiner that Winter discloses detecting whether the barcode (on the pawn) is out of range or too close. (Final Action 4.) But it is unclear why Winter's disclosure of detecting that the barcode is too close to the data collection device teaches that the barcode/pawn is in contact with the board surface, as found by the Examiner. (*See id.*) Therefore, we are persuaded that the Examiner erred in finding that the cited portions of Winter disclose detecting when the "pawn is *in contact* with the board surface," as recited in claim 1 (emphasis added). For the same reason, we are persuaded that the Examiner erred in rejecting dependent claims 3–8.

With regard to dependent claims 2 and 9–11, the Examiner does not rely on the additional reference, Schwab, to teach or suggest the above noted "contact" limitation. Therefore, for the reason discussed above, we are persuaded that the Examiner erred in rejecting dependent claims 2 and 9–11.

DECISION

The Examiner's rejections of claims 1–11 under 35 U.S.C. § 103(a) are reversed.

REVERSED